



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

**JUN 20 2013**

**CERTIFIED MAIL NO.: 7011 0470 0002 9197 6282  
RETURN RECEIPT REQUESTED**

**In Reply Refer to:  
Puna Geothermal Venture RFI**

Cliff Townsend  
Plant Manager  
Puna Geothermal Venture  
P.O. Box 30  
Pahoa, HI 96778

**RE: Request for Information  
Puna Geothermal Venture, Pahoa, HI**

Dear Mr. Townsend:

The United States Environmental Protection Agency ("EPA") Region IX is investigating the accidental releases of hazardous substances that occurred at the Puna Geothermal Venture ("PGV" or "the Company") geothermal power facility ("the Facility") on March 13, 2013 and April 2, 2013.

As you are aware, PGV has submitted a Risk Management Plan ("RMP") for the Facility in accordance with the requirements of Section 112(r)(7) of the Clean Air Act ("CAA") and 40 CFR Part 68. The RMP is specific to PGV's use, storage and handling of pentane (CAS 109-66-0), the working fluid used in the Facility's binary cycle power generation system. However, the Facility is also subject to the CAA's General Duty Clause [Section 112(r)(1)] which requires stationary sources such as the Facility "producing, processing, handling or storing [extremely hazardous substances] to identify hazards which may result from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur".

The request for information enclosed with this letter ("Information Request") seeks information and documents relating to PGV's compliance with Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9603; Sections 302 through 312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11002 – 11022; and Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

This Information Request is authorized pursuant to the following federal environmental statutes:

- Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq.;
- Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11001 et seq.; and
- Section 114 of the Clean Air Act, as amended, 42 U.S.C. § 9614.

Please provide the requested information and documents within 30 days of your receipt of this letter. EPA believes that much of the requested information is, or should be, readily available at the Facility. PGV's response to this letter must be made by a letter, signed by a person or persons duly authorized to represent the Company. Please send your responses to:

Mr. Jeremy Johnstone (SFD-9-3)  
Environmental Engineer  
U.S. EPA Region IX  
75 Hawthorne St.  
San Francisco, CA 94105  
[johnstone.jeremy@epa.gov](mailto:johnstone.jeremy@epa.gov)

EPA prefers to receive your responses via email, although you may also submit it via certified mail, return receipt requested, addressed to Mr. Johnstone, as per the above.

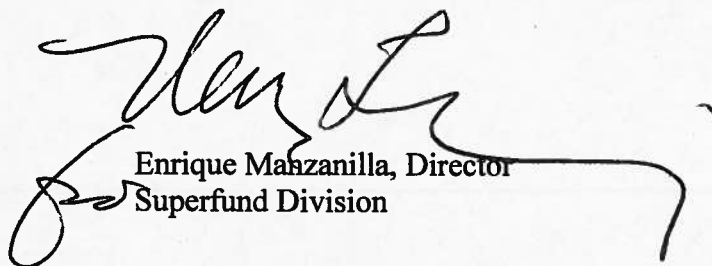
Please note that the Company's compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), or Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These statutory provisions authorize EPA to seek penalties up to \$37,500 for each day of noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Please note that, pursuant to regulations located at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted information as defined in 40 C.F.R. § 2.201(c). Asserting a business confidentiality claim does not relieve you from the obligation to fully respond to this letter. Failure to assert such a claim makes the submitted information subject to public disclosure upon request and without further notice to you, pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in the above-cited regulation. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. In addition, EPA has not waived any rights to take enforcement action for past or future violations.

If you have questions about the legal aspects of this Information Request, please contact Mr. Joshua Wirtschafter, U.S. EPA Region IX legal counsel, at (415) 972-3912, or [wirtschafter.joshua@epa.gov](mailto:wirtschafter.joshua@epa.gov). The Region IX technical contact for this information request is Mr. Jeremy Johnstone, who may be reached at (415) 972-3499 or [johnstone.jeremy@epa.gov](mailto:johnstone.jeremy@epa.gov).

We thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique Manzanilla', is written over the typed name and title.

Enrique Manzanilla, Director  
Superfund Division

Enclosure:

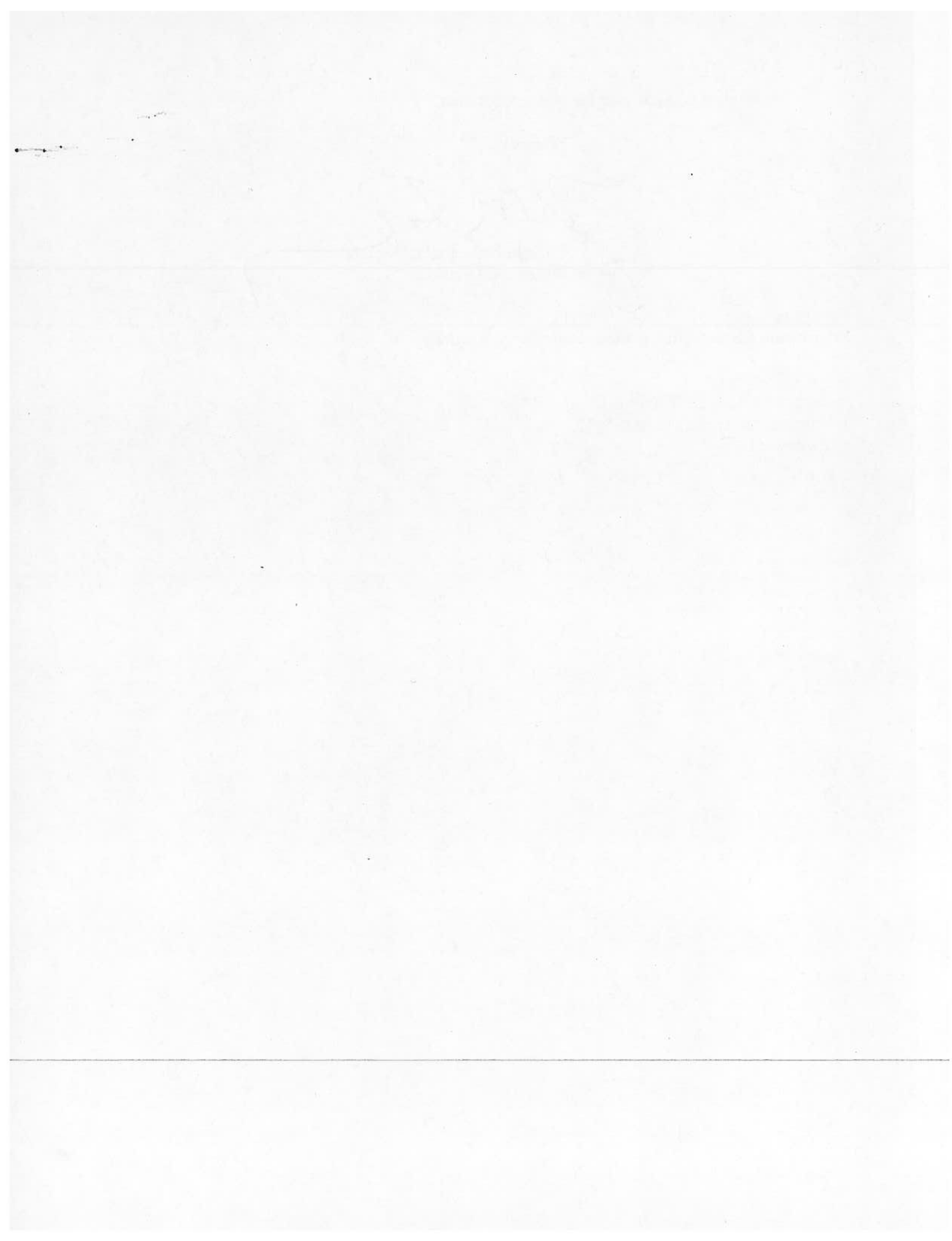
Information Request (Instructions, Definitions, Requests)

cc (w/ enclosure):

J. Johnstone, U.S. EPA Region IX

J. Wirtschafter, U.S. EPA Region IX

B. Ekimoto, HDOH



## ENCLOSURE

### INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.
3. The scope of this Information Request includes all information and documents obtained or independently developed by the Company, its attorneys, consultants or any of their agents, consultants, or employees.
4. The Company may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 CFR Part 2, Subpart B, to protect confidential business information that it receives. The Company may assert a business confidentiality claim (in the manner specified in 40 CFR § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 CFR § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
5. Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by the Company to EPA's authorized representatives, including contractors. Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), the Company may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.
6. If information or documents not known or available to the Company at the time of its response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Company find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Company must notify EPA as soon as possible and provide EPA with a corrected response.
7. If information responsive to a request is not in the Company's possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Company or the Facility.
8. If you believe there are grounds for withholding information or documents that are

responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding.

## **DEFINITIONS**

The following definitions apply to the following terms (words or phrases) as they appear in this Information Request. Defined terms are enclosed in quotation marks:

1. "You" or the "Company" shall mean Puna Geothermal Venture, or its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. "Facility" or "Facilities" means all buildings, equipment, structures, installations, pipes, or stationary items owned, leased, or operated by the Company, at the property or properties known as the Puna Geothermal Venture geothermal power facility located at 14-3860 Kapoho Pahoa Road, Pahoa, HI.
3. "Document" or "documents" shall mean any printing, typing, writing, photostat, or any other copy, microfilm, film record, video record, CD, sound recording, tape, disc, or other type of memory associated with computers, including any instructions necessary to read such material, and any other tangible item recording information.
4. "Chemical" shall mean any extremely hazardous substance listed in Appendices A and B of 40 CFR Part 355; any hazardous substance, as defined in Section 101(14) of CERCLA, including any mixtures of hazardous substances with any other substances, such as petroleum products; and any pollutant or contaminant, as defined in Section 101(33) of CERCLA, including any mixtures of pollutants or contaminants with any substances, such as petroleum products.
5. "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.
6. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the CAA, CERCLA, EPCRA, 40 CFR Part 68, 40 CFR Part 300, or 40 CFR Part 355, in which case the statutory or regulatory definitions shall apply.

## **INFORMATION REQUEST**

### **GENERAL REQUESTS**

1. Provide a physical address, latitude/longitude coordinates, map, and plot plan for the Facility.
2. Provide a management and corporate organizational chart for the Company that includes its management and operations at the Facility.
3. Identify and provide contact information for personnel with environmental responsibilities at the Facility.
4. Describe, in detail, the Company's operations at the Facility.
5. Provide copies of any complaints, compliance orders, unilateral orders, notices of violation, or any other type of enforcement action filed or issued against the Company by any city, county, state, or federal agency in the last five years for environmental-related or health and safety-related violations at the Facility.
6. Provide copies of any judgments, consent decrees, consent orders, consent agreements, or other type of settlement agreements resolving any enforcement action brought against the Company by any city, county, state or federal agency in the last five years for environmental-related or health and safety-related violations.

### **REQUESTS REGARDING EPCRA SECTION 311-312 COMPLIANCE**

1. Provide copies, for calendar years 2010-2012, of all EPCRA Tier II annual chemical inventory forms for all hazardous chemicals present at the Facility that the Company submitted to the Hawaii State Emergency Response Commission (SERC).

### **REQUESTS REGARDING CLEAN AIR ACT SECTION 112(r) RISK MANAGEMENT PROGRAM AND GENERAL DUTY CLAUSE COMPLIANCE**

1. Provide a list of all accidental releases (including those below reportable quantities) that occurred at the Facility during the last five years, and incident investigation reports for each.
2. For each of these systems at the Facility: a) hydrogen sulfide ("H<sub>2</sub>S") abatement; b) sodium hydroxide ("caustic") use; c) spent caustic solution storage/treatment/disposal; and d) emergency steam relief facility provide the following:
  - a. A description of the design and operation of the system (including, for the H<sub>2</sub>S abatement system, a discussion of the assumed H<sub>2</sub>S concentrations and/or throughput) ;
  - b. Piping and instrumentation and process flow or block flow diagrams for the system;
  - c. A discussion demonstrating that the design and construction of the system was done in accordance with recognized and generally accepted good engineering practices (RAGAGEPs);
  - d. Standard Operating Procedures for the system; and
  - e. Documents describing the Inspection, Testing and Preventive Maintenance (ITPM) Program for the system and demonstrating that ITPM Program has been developed in accordance with RAGAGEPs.

3. With respect to the incidents and releases of March 13, 2013 and April 2, 2013 at the Facility provide, for each, the following:
  - a. A description of the incident including, at a minimum, an identification of its root cause and a discussion of the events leading up to the tripping of the breakers on the facility's transmission lines;
  - b. A description of the Facility's plans and procedures for managing emergency shutdowns and sudden over-pressurization events; and
  - c. Documents demonstrating that the plans and procedures for managing emergency shutdowns and sudden over-pressurization events were developed in accordance with RAGAGEPs.
4. With respect to the Facility's H2S monitoring devices provide the following:
  - a. Make and model number of each device;
  - b. A map or plot plan depicting device deployment locations;
  - c. Documentation of the manufacturer's recommended ITPM activities and intervals; and
  - d. Documentation of the facility's actual ITPM activities and intervals for each device since January 1, 2010.